Sexual Harassment and Catholic High School Service Trips:

When Boundaries Become Blurred!

Abstract

This ethical dilemma deals with the issue of inappropriate behavior on the part of Jim Rice, a science teacher, who accompanies a group of catholic high school students and their trip coordinator, Elizabeth Gillen, on a service trip to the inner city. The purpose of the trip is to provide the service club members with an opportunity to work with habitat for humanity in the process of restoring homes in some of Baltimore’s poorest neighborhoods. The students and their chaperones will be living with and serving alongside of Father George O’Brien, a Dominican Priest who is the director of the Romero Center for volunteer services, as well as adult volunteers who live in community with Father George and two other Dominican Priests.

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**Authentic Ethical Dilemma**

Elizabeth, “Liz” Gillen was a thirty-five year old theology teacher who lived alone with her dog Buster. She had moved to the area eight years ago after being hired to teach freshman and sophomore theology. Although she missed her home in Watertown, New York, had grown quite fond of her students, their families and the entire Annunciation community. She was challenged by Sister Margaret Kilkenny, the school principal, to form a service club that would not only assist the local community, but expose the students to the needs far beyond their own back yards. That was three years ago and, this year, Liz and Kathy Mazzoni, the Campus Minister, would put this program to the test. They would bring the members of the service club to the inner city for a week long program working with the Dominican Religious Community and Habitat for Humanity.

Father George O’Brien had been a Dominican Priest for almost 20 years. 15 years of which he had spent serving the inner city poor. Since he was a native of this city, these were “his people” and he ministered to them like members of his extended family. He had always looked for an opportunity to begin a collaborative program with Dominican sponsored high schools, and at long last, this was the year it finally happened!

The group from Annunciation was only this third group to participate in the program but already he could tell that his program was going to be a huge success!

It was June 16th at one in the afternoon and the students and teachers had just finished loading the vans for their week-long service trip. Liz (the service trip coordinator) took one last look at her check list, as well as the crew of students and chaperones she was taking with her. Everything seemed to have worked out well, considering that the original trip coordinator had broken her leg just three days before the trip! Liz was supposed to assist Kathy with the details of the trip but instead, found herself running the entire thing! She knew she would not be able to run the service trip alone, so she asked the teachers and staff of Annunciation if any of them would consider spending a week building houses for the inner city poor? The only volunteer was Jim Rice. Liz was not sure how Jim would function in this type of environment. He had often expressed a concern regarding his lack of “mechanical abilities and here he was heading out on a service trip to rebuild houses! Liz had an even greater concern regarding Jim: Liz and Jim had often been in disagreement regarding to the running of the service club and folk group. Now here she was preparing to spend an entire week with him! Liz couldn’t help but wonder to herself, “What am I getting myself into?” Liz knew she had been left with no other choice; out of desperation and with great hesitation, she accepted Jim’s offer for assistance.

Jim Rice was a 42 year-old alumnus of Annunciation High School. He taught junior high and high school science and was the moderator of the school Science Club. Along with helping with the service club and folk group, Jim was also a volunteer for the Boys and Girls Clubs. Many of the Science Club members would volunteer with him at the Saturday program (at the Boys and Girls Clubs) then go to his house afterwards for lunch, a game or two of “Guitar Hero,” and a swim in the pool. There was a core group of regulars who could be found at Jim’s house on any given Saturday. Richie, Marty and Brian were the most consistent of the group.

Richie Williams, Marty Fallon and Brian Adams were three members of the junior class as well as three of the outstanding athletes at Annunciation. They were exceptional students and active members of the school service club, community outreach program, as well as a number of academic and language clubs. Their parents were all Annunciation grads and were very proud of how their sons had continued in their footsteps, especially when it came to giving back to the community.

After a few final hugs from the parents with the instructions, “Don’t forget to call me as soon as you get there”; the “crew” loaded into the vans. It was a warm afternoon and the air conditioned temperature of the van was a welcome relief after standing in a hot parking lot for over an hour. Liz checked on all of her “flock” then climbed into the passenger seat of van number one driven by Father George. Jim and Dave (a Dominican volunteer community member) were in the second van. As the parents and family members waved goodbye, the two vans pulled away from Annunciation and headed south towards their week long experience in the inner city.

It was seven in the evening when the two vans pulled through the electronic security gate of the parish community center. The weary travelers were anxious to get out of their seats and explore their new surroundings. Before the group had a chance to scatter, Liz jumped out of her seat and instructed all of the students to stay put. “We need to unpack the vans, get everyone settled in their rooms then have an organizational meeting before evening prayer. Then you can check the place out.” There were a few groans from the crowd but the obedient students lined up for their luggage and sleeping bags and dutifully followed Dave into the rear door of the rectory-turned-volunteer-center. They had arrived without incident and, after getting everyone settled in their sleeping quarters, they would gather for a planning meeting, evening prayer and a snack.

The planning meeting went very smoothly and the prayer was a great way to get the students in the mindset of service to the poor. It was now about 9:15PM and Liz was ready for bed. It would be an early and long day at the worksite tomorrow; she knew a good night sleep was in order. Liz reminded the students that it was lights out at 10PM in this local community so, if they needed a snack or wanted to play a quick card game, they had better do so quickly. Liz then reminded all of the student and staff about the rule regarding visitors in bedrooms. “Under no circumstances should you be in one-another’s rooms. If there is a problem, come and wake up myself, Mr. Rice or Father George. Girls are to stay in the girl’s area and boys in the boy’s area until morning. We are guests here and I expect you to behave like the mature, appropriate young people I know you to be. Father George and Mr. Rice will check the boy’s rooms and I will check the girl’s rooms to make certain that you are in your own rooms, in bed and have your lights out promptly at 10PM. You are going to need your rest for tomorrow. It’s going to be about 90 degrees with high humidity. I don’t want anyone fainting from exhaustion.”

6:30 AM came quickly but Liz knew that she had to grab a quick shower before she and Father George went around and woke the students. There was no challenge like trying to wake up teenagers on a hot summer morning. They were expected at the job site by 8:30AM; everyone needed to “hustle” if they were going to make it on time. She needed to remind Father George to bring along the items for the opening prayer service. They would bless the worksite, greet the family who would be working along with the students and eventually moving into the home, meet with the Site Coordinator, and then after being assigned tasks for the day, begin the process of knocking down walls and cleaning out debris.

The students were more excited about the construction part of the process but as Liz and Father George had explained to them, “Before we can build the new, we have to demolish the old.” Both had assured them that they would enjoy ripping out windows and knocking down walls. They were correct; they loved it! The students had to periodically be reminded about safety when they would become a little over anxious however, for the most part, they worked very hard and, to the amazement of the site coordinator, had the interior of the house gutted by day’s end. This put them an entire day ahead of schedule; “First thing tomorrow, the construction begins,” Father George happily announced as they were loading into the vans for the weary ride home. The tired work crew let out a cheer. This was what they had come to do. Build a new home for a family in need. For now however; they were looking forward to a hot shower followed by a dinner trip into the downtown harbor area!

Upon arrival at the community center, the students quickly exited the vans, deposited the work supplies in the shed, and made a b-line for the showers! They were looking forward to a chance to hang out at the harbor and enjoy “non-rectory food” as Marty, one of the junior boys, liked to call it.

By 6:00PM, the group was loaded back into the vans and headed out for an evening at the harbor. They students had told Liz that they couldn’t wait to eat and shop! Liz, Father George, Jim and Dave couldn’t wait to sit down in a restaurant and have an adult conversation while at the same time keeping the students clearly in their sights. “A little space for everyone,” Father George bellowed!

The dinner at the restaurant was delicious and the students had a great time shopping at all of the novelty stores. There was only one minor incident with a few boys (accompanied by Jim Rice) who, despite previous instructions regarding this type of store, decided to wander into a sexually explicit store Upon their return to the larger group, Liz assured them that she was very disappointed by their actions and reminded them that they were on a catholic school service trip. The red-faced boys apologized and walked in silence back to the waiting vans. Liz would deal with Jim Rice later! What she didn’t know was that the troubled evening had just begun.

Upon their return to the center, the students and community members gathered for evening prayer in the chapel. Two of the senior girls had planned a lovely prayer and everyone seemed to enjoy it. They especially enjoyed the part where they were given an opportunity to share their experiences of “meeting God in the face of the poor.” Liz was amazed how well these students seemed to “get” why they were really on this trip. After a short closing ritual and a brief snack, everyone headed off to bed. Father George and Liz pulled Jim aside and asked to speak with him. He immediately apologized for allowing the students to go into the condom store. “I should have stopped them but I guess I was curious why they would want to go into such a place to begin with. It seems in hindsight that they did it to see if I would follow them into the store. I guess I fell right into their trap." “Do you think?” exclaimed Liz.

Father George, the calmer of the two, simply reminded Jim that he was a chaperone and a role model. He needed to keep this in mind at all times and most importantly, be very careful about appropriate boundaries with the students.

Liz was glad that he had said this. It was better said by another man and even better, a priest! Hopefully, this would be the extent of her concerns regarding Jim. Father George’s wise words seemed to get through to Jim and he parted the group with a heartfelt apology.

Liz, Jim and Father George headed off to do the final room checks before heading to their own rooms. It was an exceptionally hot evening and there was a lot of “city noise” outside the center. Liz couldn’t tell if it was firecrackers or gunfire; all she knew was that she was glad all of the students and staff were safely secured behind the security gates and alarmed doors.

It was three-thirty in the morning when Liz was awakened by a knock on her door and the voice of Father George whispering her name, “Liz, wake up, we have a situation downstairs with the boys and I need you right away!”

Liz leapt from her bed. What could be wrong? Was one of the boys sick or hurt? It’s the middle of the night, how could they hurt themselves in the middle of the night? She quickly opened her door and was greeted by a wide-eyed, angry looking Father George. Oh God, she thought to herself, did they sneak out during the night and set off the alarms! “What’s wrong?” Liz asked, as the two tried to quietly walk down the old creaking steps. “Did one of the boys do something wrong, get hurt, is someone ill?

”I’ll explain when we get there, just hurry,” responded Father George. When Liz and Father George reached the lower level of the center, they were greeted by two very upset boys on one side of the common room and Dave and Jim Rice on the other.

“Miss Gillen, he’s just lucky I didn’t hurt him worse than I did!” shouted Richie, one of the two boys.

“Hurt whom Rich? asked Liz.

“Mr. Rice, that’s whom! I rolled over in my sleeping bag and he was right next to me! He was practically in my bag with me! What kind of crap is this? Is he some kind of pervert or something?”

Liz could feel her anger welling up. She would have to control her own anger or else she might get Richie more agitated. She turned around to look at Jim Rice and realized that he was holding an ice pack to his eye. Richie had hit him after all, right in the face! Not only did she have this incident between Richie and Jim Rice to contend with, she had an injured adult on top of it! An injury he had received when he was sleeping too close to a male student! Liz took a few deep breaths before approaching Jim. “Are you alright?” Liz asked Jim through gritted teeth?

“Just a bruise, I’ll be fine. It wasn’t Richie’s fault, something startled him,” responded Jim.

After a brief explanation from Jim, Liz moved her attention to her very upset students. Liz had instructed Jim to head upstairs with Father George while she spoke with Richie and Marty. She needed to separate the parties involved in the incident in order to sort out what had really happened. She turned away from Jim and proceeded to walk across the room towards a now calmer Richie. After asking Father George to take Jim upstairs to check on his eye and instructing Marty to head back to bed, Liz invited Richie to the kitchen for a cold drink. As they walked towards the kitchen, Liz thought about her initial concerns regarding Jim and how she wished she had listened to her intuition.

After an hour long conversation with Richie and assurances that the matter would be investigated not only by Liz and Father George, but by Sr. Margaret and Richie’s parents as well, Richie thanked Liz for listening to his side of the story and headed back to bed. Liz had calmed Richie down by explaining to him that Mr. Rice had come downstairs to sleep in the common room with the boys after he had heard the gunshots being fired in the street below (a common occurrence in this neighborhood). According to Jim, he had come to check on the boys and decided to stay when the shots continued. He knew the boys would be frightened since many of them live outside of the city and were not used to this type of “city noise.” Jim had told Liz that he thought it best if they see a familiar face when they woke up. As he was sitting in the corner near the door, he apparently “dozed off” and when he woke up, Richie was screaming and swinging at him. That’s when he was hit in the face by a “wild punch.” As Jim told Liz, “It was accidental. I think he was frightened by the gunfire and that’s what started him.”

Richie however, had a different version of the story and it involved waking up because someone was rubbing his back. That someone was Jim Rice!

It was now 7AM and Liz and Father George were in Father George’s office waiting for 7:30AM so that they could call Sr. Margaret, the principal of Annunciation. They needed to contact her about the incident with Jim Rice and Richie before they could start the day at the job site. Sure, Bill Miller (The Assistant Principal) would be arriving in the afternoon, but this was not something that could wait until that time. As the clock struck 7:30AM, Liz dialed Sr. Margaret’s home phone number. A sick feeling came over her as she thought to herself, “How do I explain this one?”

**Questions**

* Are there state and federal laws regarding child abuse by school staff members? Have these laws been broken? If so, what consequences do the accused in this case (Jim) face?
* Has everything been done to protect the victim and the other students from physical/emotional harm both leading up to and immediately following this incident?
* According to state and federal laws, is Liz legally responsible for this incident occurring under “her watch?” Is the school also held legally responsible for this incident?
* Because of the severity of this case, is an immediate response warranted by the local law officials and child protective services? Who will be protected by this response? Who may be harmed by this response?

**Analysis**

**Key Players**

* Liz Gillen-Service Trip Coordinator/Teacher
* Jim Rice-Teacher/Accused
* Richie Williams-Student/Victim
* Father George O’Brien-Host of Service Trip Group
* Students on Service Trip
* Sister Margaret Kilkenny-School Principal
* Bill Martin-Assistant Principal

**Silenced Voices**

* Marty Fallon-Student/Volunteer with Mr. Rice
* Brian Adams-Student/Volunteer with Mr. Rice

**Ethic of Justice**

As an educator and a service trip coordinator responsible for the welfare of her students, Liz must make certain that she and her fellow chaperones follow all civil laws and school policies at all times. If any of these laws or policies is violated by school staff, the accused, the trip coordinator, the school and the volunteer center may all be held liable for this incident. It is important that these laws are enforced in order to protect not only the victim in this incidence but further potential victims (other students) as well.

According to the Laws of the Commonwealth of Pennsylvania, all school personnel are *mandated reporters* of suspected child abuse and these mandated reporters must follow the procedures listed under the title *The Pennsylvania Code* found on the Pennsylvania Department of Public Welfare website. *(*[*http://www.pacode.com/secure/data/049/chapter21/s21.502.html*](http://www.pacode.com/secure/data/049/chapter21/s21.502.html)*)*

**Ethic of Care**

With the decision to obey the mandated reporter regulations and to contact local law enforcement to report this incident, who will benefit from this reporting? Who could potentially be hurt by this decision? The repercussions of this decision are far reaching and will impact not only the immediate victim in this case (Richie) but the other students as well. This may be especially true for Marty and Brian as they already have an established relationship with Mr. Rice and may well have been victims of abuse during previous gatherings at Mr. Rice’s house. The most important issue in this case is the protection of not only the victim in this case but all of the students on this trip. Liz (acting as the agent of the school) must do whatever is necessary to protect her students from harm.

There will also be consequences for Jim Rice. As an agent of the school and an accused child abuser, he will face an even steeper set of consequences if found guilty of this crime. These legal consequences as well as the ruination of his reputation if word of this incident is picked up by the media (even if he is found to be innocent of the charges) can have devastating consequences for Jim and his family.

**Ethic of Critique**

Acting as the agent of the school, Liz must examine all sides of this case. She must do so from the perspective of the legal and moral responsibilities of an educational leader as she is acting in this role on this service trip. She must do so based on the advice of her superiors (Sr. Margaret, Bill Martin and the Diocesan Superintendent) and in conjunction with proper legal authorities (i.e. law enforcement, child protective service). Because of the relationship between the accused (Jim) and the victim (Richie), there may be deeper implications to this case. Other students may also be victims but may not have been able to give voice to their accusations (silenced voices). This incident may open up an even larger legal and moral dilemma with further accusations and additional victims.

As stated previously, because the incident occurred at the volunteer center, Father George, his staff and his religious community (who own the property and run the volunteer center) must also follow proper legal and moral protocol and do whatever is necessary to protect all of the present and potential victims in this case. They may also be found liable in this case as this incident occurred in their facility.

**Ethic of Profession**

As the senior school official on site and as an educator, Liz has a great deal of legal and moral responsibility in this case. As an educational professional, acting out of her professional and personal ethical codes, Liz must place the victim (s) in the center of her decision making and do whatever it takes to ensure their safety and well being. The assumed expectations of the parents of the students as well as the greater school community would be that Liz act to ensure the safety of not only the obvious victim in this case (Richie) but all of the students as well.

**Short Term Resolution**

After making certain that the victim is safe and the accused is in an isolated area (under guard) to prevent him from accessing the victim as well as the other students, Liz must immediately contact her supervisor (Sr. Margaret) as well as local law enforcement and child protective services (i.e. *Childline*). As the legal chaperone of the students, it is imperative that Liz have a working knowledge of these laws and regulations and follow them accordingly. While making these calls with the assistance of volunteer staff, Liz must make certain that all students are safe and unharmed and the victim is receiving any further assistance (counseling, medical care) that he may need. Because of the manner of the incident, Liz must also make certain that the accused is also receiving any needed medical care while at the same time, being removed from access to the victim as well as the other students. The victim’s family must be contacted as well (under the direction of law enforcement and child protective services).

Once the safety of the victim and the other students has been established and the initial investigation has taken place, the decision must be made in regards to the continuance or cancelation of this service trip. This decision should be made in consultation with law enforcement, child protective services, school and diocesan officials as well as the families of the students.

**Long Term Resolution**

The ramifications of this incident are far reaching and may impact not only this trip (involving this specific school) but the entire diocesan school system as well. All aspects of this incident and the impact it has on the ability of school staff (i.e. Liz) to guarantee the safety and well being of the students on such a trip must be thoroughly examined by school and diocesan officials as well as diocesan legal counsel. At some point, this analysis must also include parents in the discussion, planning and implementation of school policy changes that are made as a result of this incident. Parents must be made to feel at all times that everything is being done to ensure the safety of their children. With this incident fresh in their minds, this may be a difficult level of trust to establish.

After a thorough analysis, discussion, likely heated debate, planning and composition process, an updated and more stringent school policy in regards to school trips must be put in place. Depending upon the results of this process, there may be a need to eliminate overnight service trips or class trips. This decision may extend for a short or an indefinite period of time. As a result of this incident, there should also be a re-examination of diocesan policies that pertain to these types of student trips. If changes are deemed appropriate, these revised policies should be distributed to and implemented by all diocesan schools.

**Real-life Resolution**

* Jim was removed from the premises and questioned at the police station.
* Richie was questioned on site and, after speaking with his parents (with the police present), refused to press charges against Jim Rice.
* Jim Rice was released and was put on a bus for home not being allowed to have further contact with the students.
* The Assistant Principal arrived, having been informed of the incident, and along with Liz, Father George and the other staff, met with the students, spoke with the parents and a decision was made to stay at the volunteer center until morning.
* Sr. Margaret, the Diocesan Superintendent and lawyer for the diocese were in contact with the parents and addressed any concerns or questions they had in relation to the incident.
* The following morning after his return to the area, Sr. Margaret and the diocesan superintendent and attorney for the diocese met with Jim Rice. Despite the fact that no formal charges had been filed, Jim was encouraged to resign and not return for the upcoming academic year. He submitted his resignation the following morning (after consulting with his attorney) and is presently teaching at a local public high school.
* After a one year hiatus, the service program was reinstated. Along with the addition of more stringent policies and regulations, additional chaperones were added to the roster and each student was given an individual room. There were no further incidents on any of the subsequent service trips. The school was closed by the diocese three years later.

**Reference**

*The Pennsylvania Department of Public Welfare: Pennsylvania Code.* (November 15,

2008). Retrieved December 3, 2008 from

<http://pacode.com/secure/data/049/chapter21/s21,502.html>.